

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TOM HUSSEY PHOTOGRAPHY, LLC,

Plaintiff,

v.

BDG MEDIA, INC.,

Defendant.

C.A. No. 1:20-cv-00404-MN

**DECLARATION OF STEVEN M. COWLEY IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANT BDG MEDIA, INC.'S MOTION TO
DISMISS PLAINTIFF'S COMPLAINT OR, IN THE ALTERNATIVE, TO
TRANSFER VENUE TO THE SOUTHERN DISTRICT OF NEW YORK**

I, Steven M. Cowley, do hereby declare as follows:

1. I am a partner with the law firm of Duane Morris, LLP. I am over the age of 18, and the following testimony is based on my own personal knowledge.
2. I represent Plaintiff Tom Hussey Photography LLC ("Plaintiff") in connection with the above-captioned matter and have represented Plaintiff and its sole owner, Tom Hussey, in more than copyright matters over the last five years. As a result of my representation of the Plaintiff and Mr. Hussey in those matters, I am aware that Plaintiff has employed only two people—Mr. Hussey and his wife and producer—for the last few years.
3. Attached at Exhibit A to this Declaration are true and correct copies of screenshots of the first nine URLs listed in Paragraph 13 of the Complaint. I neglected to notice that these nine screenshots were not included in Exhibit D with the other nine screenshots referenced in Paragraph 13 prior to my firm's filing the Complaint.

4. Attached as Exhibit B is a true and correct copy of the homepage of Defendant BDG Media, Inc.'s website, which I reviewed online at <https://bustle.company/> and my colleague accessed and downloaded on May 19, 2020 for attachment to this Declaration.

5. Attached as Exhibit C is a true and correct copy of the Vacancies in the Federal Judiciary, posted on the United States Courts website, which I reviewed online at <https://www.uscourts.gov/judges-judgeships/judicial-vacancies/current-judicial-vacancies> and my colleague accessed and downloaded on May 20, 2020 for attachment to this Declaration.

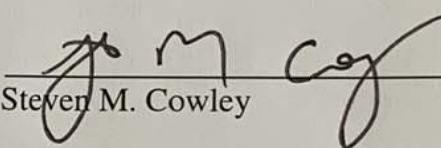
6. Attached as Exhibit D is a true and correct copy of an article titled "Coronavirus in the U.S.: Latest Map and Case Count" posted on the New York Times website (last updated on May 22, 2020 at 8:09 A.M. E.T), which I reviewed online at <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html> and my colleague accessed and downloaded on May 22, 2020 for attachment to this Declaration. Inserted within Exhibit D is a true and correct screenshot of the article's presentation of a "case count" map of the United States, which was not captured during the process of printing a PDF of the article, but is included on the website link provided above. The article reports New York City's total number of Covid-19 infections at 200,507, compared to New Castle County, Delaware's total number of infections at 3,053.

7. Attached as Exhibit E is a true and correct copy of an article titled "SDNY Tightens Restrictions on Use of Manhattan Courthouses in Response to Coronavirus" posted to Law.com on April 10, 2020, which I reviewed online at <https://www.law.com/newyorklawjournal/2020/04/10/sdny-tightens-restrictions-on-use-of-manhattan-courthouses-in-response-to-coronavirus/?slreturn%E2%80%A6>, and which my colleague accessed and downloaded on May 22, 2020 for attachment to this Declaration. On May

22, 2020, prior to submitting this Declaration, I checked the Southern District of New York website to view the Covid-19 related notices and confirmed that the most recent notice concerning courthouse procedures was posted on April 13, 2020. Accordingly, while it is expected that the restrictions referenced in the article attached at Exhibit E will be modified at some point going forward, they do not appear to have been materially revised since the article.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 22, 2020



Steven M. Cowley